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REMARKS

Claims 1, 32, 49, 51 and 58-75 are pending in the subject application. Claim 1 was withdrawn by the Examiner as being drawn to a non-elected invention. Applicants herein cancel claims 1, 32, 51, 63, 68, 74 and 75 without disclaimer or prejudice to their rights to pursue the subject matter of this claim in the future. Applicants have also amended claims 49, 58-62, 64-67 and 69 in order to more particularly point out that which the applicants regard as the invention. Applicants have also added new claims 76-78.

Support for amended claim 49 can be found in the specification at, *inter alia*, page 10, lines 6-13 and lines 21-32, page 11, lines 18-26, and page 20, lines 5-21.

Support for amended claim 58 can be found in the specification at, *inter alia*, page 14, lines 7-9.

Support for amended claim 59 can be found in the specification at, *inter alia*, page 16, lines 15-18.

Support for amended claim 60 can be found in the specification at, *inter alia*, page 16, lines 20-22.

Support for amended claim 61 can be found in the specification at, *inter alia*, page 10, lines 6-13 and lines 21-23.

Support for amended claim 62 can be found in the specification at, *inter alia*, page 10, lines 25 and 26.

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Support for amended claim 64 can be found in the specification at, *inter alia*, page 10, lines 27 and 28.

Support for amended claim 65 can be found in the specification at, *inter alia*, page 10, lines 29-32.

Support for amended claim 66 can be found in the specification at, *inter alia*, page 10, lines 32-34.

Support for amended claim 67 can be found in the specification at, *inter alia*, page 10, lines 34 and 35.

Support for amended claim 69 can be found in the specification at, *inter alia*, page 11, lines 3-8.

Support for new claim 76 can be found in the specification at, *inter alia*, page 10, lines 27-29.

Support for new claim 77 can be found in the specification at, *inter alia*, page 20, lines 5-11.

Support for new claim 78 can be found in the specification at, *inter alia*, page 20, lines 15-21.

Applicants maintain that this Amendment raises no issue of new matter. Accordingly, upon entry of this Amendment, claims 49, 58-62, 64-67, 69-73, and 76-78 will be pending and under examination.

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Election/Restriction

Applicants note the Examiner's statement that the restriction requirement previously traversed by applicants is deemed proper and made final.

Applicants also note the Examiner's withdrawal of the species requirement on the grounds that the species are sufficiently few enough such that examining them together would not be a serious burden.

Applicants also note the Examiner's withdrawal of claim 1 as being drawn to a non-elected invention. As indicated above, applicants have canceled claim 1 without disclaimer or prejudice to their right to pursue the subject matter of that claim in the future.

Information Disclosure Statement

Applicants acknowledge receipt of the signed and initialed copies of the Form PTO-1449 forms submitted in their October 18, 2004 and May 2, 2005 Information Disclosure Statements and note that all submitted references have been considered and made of record by the Examiner.

Obviousness-Type Double Patenting Rejection

The Examiner rejected claims 32 and 58-73 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-9 of U.S. Patent No. 7,101,838.

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In response, and without conceding the correctness of the Examiner's rejection, applicants note that claims 32, 63 and 68 have been canceled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of the remaining claims, applicants note that these claims have been amended such that they no longer depend upon canceled claim 32. These claims, as amended, now depend upon amended claim 49. Amended claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine. Applicants note that nowhere does U.S. Patent No. 7,101,838 teach or suggest a method which comprises administering such compounds. Applicants further note that claim 49 was not included in the Examiner's rejection as obvious over claims 1-9 of U.S. Patent No. 7,101,838. Accordingly, claims 58-62, 64-67, and 69-73, and new claims 76-78, all of which directly or indirectly depend upon amended claim 49, are also not obvious over claims 1-9 of U.S. Patent No. 7,101,838.

In view of the cancellation of claims 32, 63 and 68, the amendments to the remaining claims to depend upon claims 49, and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection.

The Examiner also provisionally rejected claims 32 and 58-73 on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 56-62 of copending U.S. Serial No. 09/498,459.

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As discussed above, applicants note that claims 32, 63 and 68 have been canceled herein. Accordingly, the Examiner's rejection thereof is moot.

Furthermore, applicants again note that the remaining claims have been amended such that they no longer depend upon canceled claim 32. These claims, as amended, now depend upon claim 49. Amended claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine. Applicants note that nowhere does copending U.S. Serial No. 09/498,459 teach or suggest a method which comprises administering such compounds. Applicants further note that claim 49 was not included in the Examiner's rejection as obvious over claims 56-62 of copending U.S. Serial No. 09/498,459. Accordingly, applicants maintain that claims 58-62, 64-67, and 69-73, and new claims 76-78, all of which directly or indirectly depend upon amended claim 49, are also not obvious over claims 1-9 of U.S. Patent No. 7,101,838.

In view of the cancellation of claims 32, 63 and 68, the amendments to the remaining claims to depend upon claim 49, and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the provisional double patenting rejection.

Rejections under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 32, 49, 51 and 58-75 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner alleged that the claims

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contain subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the invention at the time the application was filed.

Specifically, the Examiner alleged that the specification does not set forth the structure of the multitude of molecular species encompassed by the claims, including derivatives of quinine or quinidine as recited by claims 49 and 51, respectively.

In response, and without conceding the correctness of the Examiner's rejection, applicants note that claims 32, 51, 63, 68, 74 and 75 have been canceled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of claim 49, applicants note that claim 49, as amended, does not recite derivatives of quinine or quinidine, but rather, recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine. Applicants note that the Examiner acknowledged on page 9 of the March 23, 2007 Office Action that such claims meet the written description requirement. Applicants further note that claims 58-62, 64-67 and 69, as amended, claims 71-73, as previously presented, and new claims 76-78 all directly or indirectly depend upon amended claim 49.

Accordingly, applicants maintain that claims 49, 58-62, 64-67 and 69-73, as amended, and new claims 76-78 are described in the specification so as to reasonably convey to one skilled in the art

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that the inventors had possession of the invention at the time the application was filed.

The Examiner further rejected claims 32, 49, 51 and 58-75 under 35 U.S.C. §112, first paragraph, as allegedly not enabled. Specifically, the Examiner alleged that although the specification is enabling for methods of inhibiting the interaction between AGE and RAGE in diabetes mellitus and inflammation, the specification does not reasonably provide enablement for inhibiting the interaction between AGE and RAGE, thus treating any disease state, with any compound, including any derivative of quinine or quinidine.

In response, and without conceding the correctness of the Examiner's rejection, applicants note that claims 32, 51, 63, 68, 74 and 75 have been canceled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of claim 49, applicants note that claim 49, as amended, does not recite administering derivatives of quinine or quinidine. As amended, claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine. The Examiner acknowledges on page 9 of the February 23, 2007 Office Action that methods of inhibiting the interaction between AGE and RAGE in certain disease states (e.g. diabetes mellitus and inflammation) by administering quinine or quinidine are enabled. Applicants further note that amended claim 49 does not encompass administering quinine or quinidine to a subject suffering from any disease state, but rather to subjects suffering from kidney failure, systemic lupus

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erythematosus, inflammatory lupus nephritis or amyloidoses. Applicants further note that claims 58-62, 64-67 and 69, as amended, claims 71-73, as previously presented, and new claims 76-78 all directly or indirectly depend upon amended claim 49.

On page 12 of the November 23, 2007 Office Action, the Examiner cited Bird, et al. which teach that quinine and quinidine usage has a causal associated with lupus-associated pathology. The Examiner further cited Rosa-Re, et al. which teach that quinine induces a lupus-like condition. Therefore, the Examiner asserted that quinine and quinidine administration would not be desirable in all of the claimed disease states.

In response, applicants note that claim 49, as amended, does not recite administering quinine or quinidine to a subject with any disease state. Applicants further note that the possibility of side effects in a subject following administration of a compound is not a factor to be considered when determining whether a claimed invention is enabled, and therefore the Examiner's remarks regarding the possibility of adverse effects resulting from quinine or quinidine administration are inapplicable to the enablement rejection. Applicants maintain that, based on the specification, one skilled in the art would be able to practice the methods recited in amended claim 49 without undue experimentation.

In view of the cancellation of claims 32, 51, 63, 68, 74 and 75, the amendment of the remaining claims to depend upon claim 49, and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §112, first paragraph.

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Rejections under 35 U.S.C. §102(b)

The Examiner rejected claims 32, 58, 59, 62, 63 and 66-73 under 35 U.S.C. §102(b) as allegedly anticipated by WO 97/26913 ("the '913 document"). Specifically, the Examiner alleged that the '913 document teaches a method for treating a subject with a condition associated with the interaction of an amyloid- β peptide with RAGE, which comprises administering to the subject an agent capable of inhibiting the interaction between amyloid- β peptide and RAGE, the agent being present in an amount effective to inhibit the interaction between the amyloid- β peptide and RAGE.

In response to the Examiner's rejection of claims 32, 63 and 68, applicants note that these claims have been cancelled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of claims 58, 59, 62, 66, 67 and 69-73, applicants respectfully traverse.

Applicants note that claims 58, 59, 62, 66, 67 and 69-73 have been amended such that they no longer depend upon cancelled claim 32, but rather upon amended claim 49. Applicants note that amended claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine, and that nowhere does the '913 document teach the administration of such compounds. Applicants further note that claim 49 was not rejected by the Examiner as anticipated by the '913 document. Accordingly, claims 58, 59, 62, 66, 67 and 69, as amended, claims 71-73, as previously presented, and new claims 76-78, all

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of which depend upon claim 49, are also not anticipated by the '913 document.

The Examiner further rejected claims 32, 49, 51, 60, 63, 68-70 and 72 under 35 U.S.C. 102(b) as allegedly anticipated by WO 97/09046 in the name of Daines ("the '046 document"). Specifically, the Examiner alleged that the '046 document teaches methods for treating a subject for various conditions comprising administering quinine or quinidine or pharmaceutically active salts thereof in an amount effective to treat the condition. The Examiner acknowledged that the '046 document does not teach inhibiting the interaction between AGE and RAGE, but alleged that such inhibition would be an inherent outcome of administering quinine or quinidine.

In response to the rejection of claims 32, 51, 63 and 68, applicants note that these claims have been cancelled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of the remaining claims, applicants note that claim 49, as amended, recites a method which comprises administering to a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses an amount of quinine or quinidine. Applicants note that nowhere does the '046 document teach the administration of such compounds to subject suffering from the above-specified diseases. Applicants further note that claims 62, 64, and 67, which recite the disease states now incorporated into amended claims 49 and 51 were not rejected as anticipated by the '046 document. Accordingly, applicants maintain that amended claim 49, and dependent claims 58-62, 64-67, 69-73, and 76-78, are not anticipated by the '046

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document.

The Examiner further rejected claims 32, 61-63, 66, 67 and 69-73 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,864,018 in the name of Morser, et al. ("the '018 patent"). Specifically, the Examiner alleged that the '018 patent teaches a method for inhibiting atherosclerotic plaque formation in a diabetic subject, which comprises administering to said subject compositions capable of inhibiting the interaction between AGE and RAGE.

In response to the Examiner's rejection of claims 32 and 63, applicants note that these claims have been cancelled herein. Accordingly, the Examiner's rejection thereof is moot.

In response to the rejection of claims 61, 62, 66, 67 and 69-73 applicants respectfully traverse.

Applicants note that claims 61, 62, 66, 67 and 69-73 have been amended such that they no longer depend upon cancelled claim 32, but rather upon amended claim 49. Applicants note that amended claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine, and that nowhere does the '018 patent teach the administration of such compounds. Applicants further note that claim 49 was not rejected by the Examiner as anticipated by the '018 patent. Accordingly, claims 61, 62, 66, 67 and 69, as amended, claims 71-73, as previously presented, and new claims 76-78, all of which directly or indirectly depend upon claim 49 are also not anticipated by the '018 patent.

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In view of the cancellation of claims 32, 51, 63 and 68, the amendment of the remaining claims to depend upon claim 49, and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §102(b).

Rejection under 35 U.S.C. §103(a)

On page 18 of the February 23, 2007 Office Action, the Examiner rejected claims 32, 58-63 and 66-73 under 35 U.S.C. §102(b) as allegedly anticipated by WO 97/26913 ("the '913 document"). However, applicants noted that this rejection appears in the section beginning on page 17 of the Office Action for a 35 U.S.C. §103 rejection.

On May 23, 2007, Jeffrey Shieh, Esq., an associate of the undersigned attorney, contacted the Examiner to clarify this discrepancy. As discussed during the May 23, 2007 interview, the Examiner indicated that the rejection of claims 32, 58-63 and 66-73 under 35 U.S.C. §102(b) was indeed a typographical error, and that the actual rejection should be one under 35 U.S.C. §103(a). The Examiner also issued an Interview Summary on May 25, 2007 confirming that the rejection appearing on page 18 of the February 23, 2007 Office Action of claims 32, 58-63 and 66-73 should indeed be under 35 U.S.C. §103(a), and not 35 U.S.C. §102(b). Accordingly, applicants understand that the rejection to be addressed is the rejection of claims 32, 58-63 and 66-73 under 35 U.S.C. §103(a) as allegedly upatentable over WO 97/26913 ("the '913 document").

In response to the rejection of claims 32, 63 and 68, applicants note that these claims have been cancelled herein. Accordingly, the Examiner's rejection thereof is moot.

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In response to the rejection of the remaining claims, applicants respectfully traverse.

Applicants note that claims 58-62, 66, 67 and 69-73 have been amended such that they no longer depend upon cancelled claim 32, but rather upon amended claim 49. Applicants note that amended claim 49 recites a method for treating a subject suffering from kidney failure, systemic lupus erythematosus, inflammatory lupus nephritis or amyloidoses which comprises administering to the subject quinine or quinidine, and that nowhere does the '913 document teach the administration of such compounds. Applicants further note that claim 49 was not rejected by the Examiner as obvious over the '913 document. Accordingly, claims 58-62, 66, 67 and 69, as amended, claims 71-73, as previously presented, and new claims 76-78, all of which directly or indirectly depend upon claim 49 are also not obvious over the '913 document.

In view of the cancellation of claims 32, 63 and 68, the amendment of the remaining claims to depend upon claim 49, and the preceding remarks, applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §103(a).

Summary

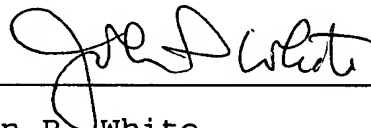
In view of the cancellation of claims 1, 32, 51, 63, 68, 74 and 75, the amendments to claims 49, 58, 59, 60, 61, 62, 64, 65, 66, 67 and 69 and the preceding remarks, applicants maintain that the now-pending claims are in condition for allowance, and respectfully request that the Examiner issue a notice of allowance.

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No fee, other than the enclosed \$510.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

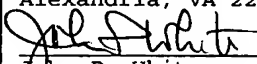
Respectfully submitted,



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